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10/693,292	10/24/2003	Simon Hunt	00-625-F	4135
20306 7590 08/20/2008 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER SWEARINGEN, JEFFREY R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,292

Applicant(s)

HUNT ET AL.

Examiner

JEFFREY R. SWEARINGEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) 22 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

1. Claim 22 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/23/08.

Response to Arguments

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

4. The use of multiple trademarks has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Drawings

5. The drawings are objected to because of the poor quality of Figures 12, 16-23, and 28. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the

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filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, and 8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Jiang et al. (US 7,068,599).

8. In regard to claim 1, Jiang disclosed:

receiving a request from the client device for information content; column 3, lines 15-18 describe data delivery which requires requests

receiving at a server the information content in a first data format from an information source; column 3, lines 21-40

determining an efficiency with which the client device can process the information content when the information content is stored in the first data format verses when the information content is stored in a second data format; column 3, lines 29-32

determining the transmission capabilities of a wireless communication link used to send the information content to the client device; and column 3, lines 30-32

determining a pre-set transformation mode associated with the wireless communication link; column 3, lines 28-32

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based on the efficiency with which the client device can process the information content in the first and second data formats, the transmission capabilities of the wireless communication link, and the pre-set transformation mode associated with the wireless communication link, determining whether to transform the information content at the server from the first data format to the second data format;
column 3, lines 21-40

sending the information content to the client device in the first data format or the second data format. Column 3, lines 30-32

9. In regard to claim 2, Jiang disclosed:

determining that the wireless communication link has changed and a second wireless communication link is being used to send the information content to the client device; and column 3, lines 30-40

using a pre-set transformation mode associated with the second wireless communication link to determining whether to transform the information content at the server from the first data format to the second data format. Column 3, lines 30-40

10. In regard to claim 3, Jiang disclosed:

determining whether to send the information content to the client device in the first data format or the second data format comprises determining whether to send the information content to the client device with no content transformations. Column 3, lines 41-52; column 3, lines 24-30

11. In regard to claim 4, Jiang disclosed:

when the wireless communication link allows for high bandwidth communication, sending the information content to the client device in the first data format as received from the information source; and column 3, lines 26-27

when the wireless communication link allows for low bandwidth communication, transforming the information content from the first data format to the second data format and sending the information content to the client device in the second data format. Column 3, line 27

12. In regard to claim 5, Jiang disclosed:

the client device detecting the transmission capabilities of the wireless communication link and switching between receiving the information content in the first data format or the second data format based on the transmission capabilities. Column 4, lines 62-66

13. In regard to claim 8, Jiang disclosed:

determining whether to transform the information content from the first data format to the second data format further comprises considering criteria specified by a user of the client device. column 3, lines 32-33

14. In regard to claim 9, Jiang disclosed:

determining the efficiency with which the client device can process the information content when the information content is stored in the first data format versus when the information content is stored in a second data format comprises determining a time required to transform the information content from the first data format to the second data format determining a time required to transform the information content from the first data format to the second data format at the client device. column 4, lines 5-9

15. In regard to claim 10, Jiang disclosed:

determining the transmission capabilities of a wireless communication link used to send the information content to the client device comprises determining a time required to transmit the information content via the wireless communication link in the first data format and in the second data format.

Column 4, lines 5-9

16. In regard to claim 11, Jiang disclosed:

receiving a request from the client device for information content; column 3, lines 15-18 describe data delivery which requires requests

receiving at a server the information content in a first data format from an information source;
column 3, lines 21-40

determining the transmission capabilities of a wireless communication link used to send the information content to the client device; and column 3, lines 30-32

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based on the transmission capabilities, determining whether to send the information content to the client device using a proxy server mode or a proxyless mode; column 3, lines 21-40; column 3, lines 46-47

detecting that the transmission capabilities of the wireless communication link have changed; and column 3, lines 30-40

switching between sending the information content to the client device using the proxy server mode or the proxyless mode. Column 4, lines 62-65

17. In regard to claim 12, Jiang disclosed:

using a pre-set transformation mode associated with the wireless communication link to send the information content to the client device, wherein the pre-set transformation mode is the proxy server mode or the proxyless mode. column 3, lines 28-32

18. In regard to claim 13, Jiang disclosed:

determining whether to send the information content to the client device using the proxy server mode or the proxyless mode comprises determining whether to transform the information content from the first data format to a second data format. Column 3, lines 30-40

19. In regard to claim 14, Jiang disclosed:

sending the information content to the client device using the proxy server mode comprises transforming the information content from the first data format to the second data format. Column 3, lines 24-30

20. In regard to claim 15, Jiang disclosed:

sending the information content to the client device using the proxyless mode comprises requesting and receiving the information content by the client device in the first data format. Column 3, lines 26-27

21. In regard to claim 16, Jiang disclosed:

transforming a portion of the information content from the first data format to a second data format; and column 3, lines 24-30

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the client device receiving the portion of the information content in the first data format. Column 3, lines 24-30

22. In regard to claim 17, Jiang disclosed:

determining an efficiency with which the client device can process information content when the information content is stored in a first data format and when the information content is stored in a second data format; column 3, lines 41-52

determining an efficiency with which the server can process the information content when the information content is stored in the first data format and when the information content is stored in the second data format; column 3, lines 41-52

determining transmission capabilities of a wireless communication link used to send the information content from the server to the client device; and column 3, lines 30-32

based on (i) the efficiency with which the client device can process the information content when stored in the first data format and the second data format, (ii) the efficiency with which the server can process the information content when stored in the first data format and the second data format, and (iii) the transmission capabilities of the wireless communication link used to send the information content from the server to the client device, determining whether to send the information content from the server to the client device in the first data format or the second data format. Column 3, lines 21-52

23. In regard to claim 18, Jiang disclosed:

determining the efficiency with which the server can process information content when the information content is stored in the first data format and when the information content is stored in the second data format comprises:

determining a time required to transform the information content from the first data format to the second data format at the server, and the method further comprising: column 3, lines 41-47

based on the time, the server determining whether to send the information content in the first data format or the second data format column 3, lines 41-52.

24. In regard to claim 19, Jiang disclosed:

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determining a time required to transform the information content via the wireless communication link in the first data format and in the second data format; and column 3, lines 41-47

based on the time, the server determining whether to send the information content in the first data format or the second data format. Column 3, lines 41-52

25. In regard to claim 20, Jiang disclosed:

determining the efficiency with which the client can process information content when the information content is stored in the first data format and when the information content is stored in the second data format comprises:

determining a time required to transform the information content from the first data format to the second data format at the client device, and the method further comprising: column 3, lines 41-47

based on the time, the server determining whether to send the information content in the first data format or the second data format. Column 3, lines 41-52

26. In regard to claim 21, Jiang disclosed:

determining the efficiency with which the client device can process information content when the information content is stored in the first data format and when the information content is stored in the second data format comprises:

determining a time required to render the information content on the client device in the first data format and in the second data format, and the method further comprising: column 3, lines 41-47

based on the time, the server determining whether to send the information content in the first data format or the second data format. Column 3, lines 41-52

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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28. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang in view of Bodin et al. (US 7,213,076).

In regard to claims 6-7, Jiang failed to disclose the use of the 802.11(b) protocol. Jiang did disclose the system was designed for wireless networks. Jiang, column 1, lines 42-45. Jiang disclosed the invention could be used with other wireless networks. Jiang, column 3, lines 8-9. In column 6, lines 61-62, Bodin disclosed that 802.11(b) is a IEEE standard for wireless communications. Since Jiang was designed for use with multiple types of wireless networks, and since 802.11(b) is an IEEE standard for use in wireless networks, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate 802.11(b) support into Jiang.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30. Deo et al. US 6,609,157

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY R. SWEARINGEN whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

/J. R. S./
Examiner, Art Unit 2145